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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,495	10/02/2003	Mick Shannon	39240.7300	2494

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EXAMINER	
SHAPIRO, JEFFERY A	
ART UNIT	**PAPER NUMBER**
3653	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/605,495	SHANNON, MICK	
	Examiner	Art Unit	
	Jeffrey A. Shapiro	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 9-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 9-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/17/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what criteria is used to display the amount of donations attributable to a particular charity. It appears from the claim language used that the display itself is used as the criteria. If so, it is not clear what this criteria is.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-3** are rejected under 35 U.S.C. 102(e) as being anticipated by Tree (US 6,651,797).

Regarding Claim 1, Tree discloses an entertainment donation device having a canister (10) with a first end having a coin slot (17) and a second end configured to

collect coins in a drawer (20). An entertainment device is located between the first end and second through which coins fall (under the influence of gravity), the coins hitting bumper posts (46) and eventually falling through internal entrance (24) into the drawer (20). Said entertainment device has a transparent means to allow an observer to be entertained by the falling coins. See col. 3, lines 45-60 and col. 4, lines 9-36 as well as figures 1-3. Tree further discloses use of a step in the form of bumper posts (46) as previously mentioned as well as an electronic "amusement evoking means" which can be configured to be either audible or visible. See col. 5, line 65-col. 6, line 18.

Regarding the newly added claim language of Claim 1, see Tree, figure 7 and col. 4, lines 50-59, which mentions both a swinging arm (80) equivalent to a lever and a cup (82) that pivots as examples of mechanical parts and trapping fixtures which will evoke a reaction of amusement when viewed through the transparent means.

Regarding Claim 2, Tree also discloses use of a monitor (60) as shown at figures 4 and 4a and described at col. 6, lines 3-15.

Regarding Claim 3, Tree discloses said canister handling either coins or other items, as mentioned at col. 4, line 50-col. 5, line 6.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tree. Tree discloses the apparatus described above. As recited above, Tree discloses a pivotable arm (80) with pivoting cup (81).

At the time of the invention, it would have been considered obvious to cuase coins to travel different paths based on the amount of coins, since one ordinarily skilled would recognize that the cup and arm would move varying distances based upon the amount of coins the cup holds, thereby imparting more or less momentum. Further, as recited above, Tree also discloses sending coins in one of several paths. Therefore, it would have been obvious to cause Tree's cup and arm to deposit coins in one of several paths for the purpose of evoking amusement.

6. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tree in view of Kloss et al (US 5,531,309).

In addition to Tree's disclosure discussed above, **Regarding Claim 4**, Tree discloses electronic control means (65) connected to a speaker (58) and display (54) and which activates upon entry of a coin to evoke a response as well as to calculate coin totals. This is described at col. 7, lines 43-59. Such a controller, described as being programmable at col. 7, lines 45-50, must have an internal time clock in order to work.

Tree does not expressly disclose sending a request signal to said time clock to obtain time information, but Kloss discloses obtaining a time stamp by way of time-of-day-clock (124) for various events that occur in Kloss' coin handling device, at col. 4, lines 56-65.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have time-stamped the detection of the passing of a coin through Tree's system.

The suggestion/motivation for time stamping events would have been to help trouble-shoot as well as to manage the system responses to properly evoke amusement. See Tree, col. 7, lines 43-53.

7. **Claims 5, 10, 11 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tree in view of Molbak et al (US 5,564,546) and further in view of Kloss.

Regarding Claims 5, 10, 11 and 13, Tree and Kloss disclose the system described above. Tree also discloses displaying images on a video screen when coins are deposited into the system, to evoke a response and entertain. Tree does not expressly disclose displaying advertisements upon depositing a coin, however, Molbak discloses displaying advertisements on a video screen (130) at col. 4, lines 12-14.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have displayed advertisements on Tree's display, upon the insertion of coins 11 into the system, using a time-of-day clock as taught by Kloss, to coordinate the advertisement generation.

The suggestion/motivation would have been to "evoke a response" from those watching the apparatus operate. See Tree, col. 7, lines 43-53. Also, whether the coins are donated to a charity or saved for one's personal use is considered a matter of intended use, and is not material to the operation of the system.

Further **regarding Claim 10, 11 and 13**, note Molbak, step (590) in figure 5 discloses recording the donation amount and a charity. It would have been obvious to display a value of the donations collected as well as how many times the user has donated to a particular charity as this is considered obvious to one ordinarily skilled in the art to have evoked a response of amusement.

8. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tree in view of Cotton et al (US 4,663,538).

Tree discloses the system described above. Tree also discloses incorporating multiple coin slots for depositing coins, as described at col. 4, lines 60-67. Tree does not expressly disclose, but Cotton discloses using multiple coins slots, each slot dedicated to a single type of coin, for example a dime and a quarter. See Cotton, figure 2.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have used multiple coins slots, each devoted to a particular coin denomination, because one ordinarily skilled in the art would have been motivated by Tree's teaching of using multiple coin slots and Cotton's teaching of dedicating a particular coin slot to a particular denomination.

9. **Claims 7 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tree in view of Suzuki (US 5,282,765).

Tree discloses the system described above. As recited in **Claim 7**, Tree does not expressly disclose incorporating a funnel, however, Suzuki discloses using a funnel (6) to accept coins as illustrated at figure 5.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have used a coin accepting funnel in Tree's apparatus.

The suggestion/motivation would have been because one ordinarily skilled in the art would have been instruected by Tree's teaching at col. 5, .lines 2-6, that "any structure known to those ordinarily skilled in the art which will serve to collect and move the coins or other items into the secure storage container 14 will suffice and is included within the scope of the present invention."

Suzuki's funnel (6) is just such a device. Therefore, it would have been obvious to incorporate such a structure into Tree's device.

Regarding Claim 12, Tree discloses use of an audio device and visual device at col. 7, lines 45-59.

Tree does not expressly disclose, but Suzuki discloses using a reflective surface (5) in Suzuki's abstract and at col. 5, line 65-col. 6, line 10.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have included a mirror in Tree's device, as this would also have evoked amusement in users of Tree's device.

Additionally, lights and horns are considered audio and video devices which one ordinarily skilled in the art would have found obvious to incorporate in Tree's device for the purpose of evoking amusement.

Response to Arguments

10. Applicant's arguments filed 11/17/06 have been fully considered but they are not persuasive. Applicant asserts that Tree does not include different entertainment

devices. This is incorrect. As described above, Tree mentions or alludes to on numerous occasions the incorporation of various other entertainment devices such as a lever arm with a pivoting cup, audio and visual devices, etc. Additionally, it is specifically mentioned that other mechanical devices are intended to be included as one ordinarily skilled in the art would recognize as able to invoke a reaction of entertainment or amusement from a user. It is intended that these items be viewed through the transparent window. Again, see Tree, col. 4, lines 50-59, which states that "[i]t will further be appreciated that the means for evoking a response of entertainment, or amusement, need not be accomplished by the use of gravity and fixed structures. ...for example, the throwing arm (80) may pivot and include a pivotable cup (82). Any suitable movement piece or structure may be used."

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAS

February 19, 2007

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